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August 29, 2007

BY HAND

Honorable Robert P. Patterson
United States District Judge
Southern District of New York
500 Pearl Street
New York, New York 10007

MEMO ENDORSED

Re: Amiker v. City of New York, et al., 07 CV 3554 (RPP)

Dear Judge Patterson:

I am an Assistant Corporation Counsel in the Special Federal Litigation Division of the New York City Law Department and the attorney for defendant City of New York ("City"). I am writing with the consent of the office of plaintiff's counsel Christopher Galiardo, Esq. to respectfully request a two-week enlargement of time, until September 11, 2007 within which former officer Orlando Perez may answer or otherwise respond to the complaint. On information and belief, former officer Perez was served with a copy of the summons and complaint earlier this month. Although this office does not currently represent Mr. Perez, we respectfully make this request on his behalf in order that his defenses are not jeopardized while representational issues are being resolved. Defendants respectfully note that the City, Police Officer Erick Ortiz, and Police Officer Christian McBrearty filed their answer to the complaint on August 2, 2007. This is the first request for an enlargement of time for Mr. Perez.¹

The complaint alleges, *inter alia*, that plaintiff was subjected to false arrest, false imprisonment, and malicious prosecution. Before this office can adequately respond to the

¹ Defendants respectfully note that by letter to the Court dated May 22, 2007, defendants City, Ortiz, McBrearty, as well as Perez had requested an enlargement of time to answer the complaint. This office requested an enlargement on behalf of Mr. Perez at that time based on the Affidavit of Service that appeared on the docket sheet, which indicated that Mr. Perez had been served. However, that request for Mr. Perez was premature, as this office later learned that service on Perez at that time and at his former command was not proper since Mr. Perez was no longer employed with the NYPD. To date, however, it appears Mr. Perez may have been properly re-served.

complaint, we will need to conduct an investigation into the facts of the case as they relate to Mr. Perez. The enlargement of time will afford us the opportunity to investigate the matter.

Moreover, the enlargement will allow us to ascertain whether Mr. Perez was properly served. If service has been effectuated then, pursuant to Section 50-k of the New York General Municipal Law, this office must determine, based on a review of the case, whether we may represent Mr. Perez. Mr. Perez must then decide whether he wishes to be represented by this office. If so, we must obtain his written authorization. Only after this procedure has been followed can we determine how to proceed in this case.

In view of the foregoing, it is respectfully requested that the Court grant the within request extending former Officer Perez's time to answer or otherwise respond to the complaint until September 11, 2007.

Thank you for your consideration in this regard.

Respectfully submitted,



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CC: BY FAX

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*Application
Granted
So ordered
John P. Fallon
USDI
8/30/07*